

Remarks/Arguments

Claims 1-21 are pending. Claims 1, 12 and 18 have been amended to clarify that the time indication sent in the request is time at which the action which is to be programmed is to be carried out, and that the verification of availability of the resources for the specified time. No new matter is believed to be added by the present amendment.

Rejection of claims 1 – 21 under 35 U.S.C. 102(e) as being anticipated by James et al. (US 6,108,739).

Applicants submit that for at least the reasons discussed below James fails to disclose or suggest each and every limitation of amended claims 1, 12 and 18, and thus, these claims, and the claims that depend therefrom, are not anticipated by James et al.

Claim 1 has been amended to recite:

1. (currently amended) Process for programming actions of resources in a network of domestic devices, including the steps of:
 - sending a request for programming an action by a client application to a manager of preprogrammed actions of a device of the network, the programming request including a set of parameters defining the action including a time indication and a list of resources involved in accomplishing the action,
 - **verification by the actions manager of the availability, at a time when the action is to be carried out as specified by the time indication, of the resources involved in accomplishing the action ,**
 - **transmission to the client application of a message of acceptance or of refusal of the programming of the action on the part of the preprogrammed actions manager depending on the result of the verification.**
- (emphasis added)

Applicants submit that James et al fails to disclose or submit at least the above-emphasized limitations of amended claim 1.

First, Applicants note that the claim concerns a process for programming actions, which are to be **carried out at a specified time**. In that regard, the claim recites the step of verification of the availability, at a time when the action is be

carried out as specified by the time indication, of the different resources involved in accomplishing the action. This means that the time indicated in the request is not the time when the availability check is carried out, but for which it is carried out.

The examiner alleges that James discloses time information (time stamp) that corresponds to the time indication recited in the claim. In support, the examiner cites col. 12, line 67 to col. 13, line 3 ('In one embodiment, the precedence information identifies the age of the subaction based on a time stamp such that the oldest packets are processed first').

Applicants respectfully disagree with the Examiner's contention and submit that the time information discussed by James does not correspond to the time indication recited in the present claims. While the time information mentioned in James may be a 'time indication,' the claim specifically calls for a time indication to define the **time at which the action is to be carried out** and the time for which **availability of the different resources has to be checked**. However, in James et al, the time stamp provides **age information** that is used to **define the order of processing packets**. The time stamp of James cannot be used to verify availability of resources as recited in the present claims, since one does not know from this time stamp when the resources have to be available. The recited verification step simply cannot be carried out using the time stamp disclosed in James.

Second, the examiner contends that the use of the busy/retry and reject/resent protocols of James et al. anticipate the last limitation of claim 1. Again, the Applicant must respectfully disagree.

Specifically, the last paragraph of claim 1 recites 'transmission to the client application of a message of acceptance or of refusal of the programming of the action on the part of the preprogrammed actions manager depending on the result of the verification'. In other words, the message indicates the result of the verification of the availability of the resources at the specified time.

The Examiner contends – at the beginning of section 1 of the Office Action - that in James et al., the 'list of resources' of the claim was constituted by the source ID and destination ID of the packet containing the subaction. However, as discussed in detail in applicants' previous response, the busy/retry and

reject/resend protocols have **nothing** to do with checking the availability of the source and target devices. These protocols are used to reject subactions when certain queues of the bridge through which the subaction transits are full and cannot accept a new subaction. Thus, the alleged conclusion is incorrect and no relationship can be established between these protocols and the verification of availability of resources.

Furthermore, even assuming arguendo that there is a relationship that allows the alleged conclusion to be drawn, the verification still would not be carried out for the time specified in the request as required by the claims.

In view of the above, applicants submit that James fails to disclose or suggest notable elements of amended claim 1, and thus, claim 1, and the claims that depend therefrom, are not anticipated by James et al.

Independent claims 12 and 18 have been amended to recite similar limitations as those of claim 1 discussed above, and are believe to be not anticipated by James for at least the same reasons as those discussed above with respect to amended claim 1.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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